IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 20TH SEPTEMBER 2007 / 29TH BHADRA 1929

RP.No. 620 OF 2006()

AGAINST THE ORDER DATED 21.12.2005 IN RCR.146/2005

REVIEW PETITIONER/PETITIONERS:
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1. A. SAROJINI,
VAIDYANILAYAM, KADAPPAKKADA, KOLLAM.

2. SHINE, -DO- -DO-.

3. SHINTO, -DO- -DO-.

BY ADV. SRI.B.KRISHNA MANI

RESPONDENTS: RESPONDENT:

S. PREMLAL,
PATTATHUVILA VEEDU, KADAPPAKKADA, KOLLAM,
FROM T.C.NO.12/259, THEKKUMMOODU, PATTOM,
THIRUVANANTHAPURAM, REPRESENTED BY POWER OF
ATTORNEY HOLDER MONY ALIAS PREMNATH,RESIDING AT
PATTATHUVILA VEEDU, ULIYAKOVIL, KOLLAM.

BY ADV. SRI.P.B.SURESH KUMAR

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 20/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

P.R. RAMAN & M.N. KRISHNAN, JJ.

R.P. NO. 620 OF 2006

DATED THIS, THE 20TH DAY SEPTEMBER, OF 2007.

O R D E R

Raman, J.

R.C.R. 146/2005 was disposed of by order dated 21.12.2005. Eviction was ordered on the ground of re-construction. Safeguards have been made by the appellate court by fixing a time limit of one year for completion of the construction from the date of the permit/renewal permit, as the case may be. The land lord has taken delivery of the premises pursuant to the order of eviction. It is the case of the tenants - petitioners herein that the permit had already been expired at the time of taking delivery of the premises and renewed permit is not yet obtained by the landlord. In the light of the order passed by the appellate court, it is contended that the landlord is likely to take advantage of the provision fixing a time limit of one year from the date of renewal of the permit and when there is no time limit fixed for obtaining such a renewal permit, the laches on the part of the petitioners shall not be taken advantage of by him to calculate the period of one year.

2. Heard both sides. Since the landlord has already taken delivery of the rented premises, we direct that reconstruction has to be completed within one year from today. The order passed in the Rent Control Revision stands modified accordingly. If any application is pending before the Rent Control court for return of the original permit, the Rent Control Court shall dispose of the same expeditiously.

P.R. RAMAN,
(JUDGE)

M.N. KRISHNAN,
(JUDGE)

knc/-